

### REMARKS/ARGUMENTS

The claims are 1-10. Claims 1-4 and 6-10 have been amended to better define the invention. Claims 6 and 8 have also been amended to depend on claim 2. Support for the claims may be found, *inter alia*, in the disclosure at FIGS. 1a, 1b, 4 and 5. Reconsideration is expressly requested.

Claims 1, 4, 6, 7 and 9 were objected to on the basis of certain informalities set forth on page 2 of the Office Action, and claims 1-10 were rejected under 35 U.S.C. §112, second paragraph, for being indefinite for the reasons set forth on pages 3-4 of the Office Action. In response, Applicants have amended claims 1-4 and 6-10, *inter alia*, to improve their form, which it is respectfully submitted overcomes the Examiner's objection to the claims on the basis of these informalities and the rejection under 35 U.S.C. 112, second paragraph.

Claims 1 and 2 were rejected under 35 U.S.C. 102(b) as being anticipated by *Urie et al. U.S. Patent No. 5,059,197*. Claims 1, 2, 4 and 6-8 were rejected under 35 U.S.C. 102(b) as being anticipated by *Janese U.S. Patent No. 4,781,202*. Claims 1-4 and 6-9 were rejected under 35 U.S.C. 102(b) as being anticipated by

*Paolo et al. U.S. Patent No. 5,910,121.* The remaining claims are rejected under 35 U.S.C. 103(a) as being unpatentable over *Janese* or *Paolo et al.* in view of *Fukuda et al. U. S. Patent No. 6,322,581* (claim 5), or *Paolo et al.* in view of *Janese* (claim 10). Essentially, the Examiner's position was that each of *Urie et al.*, *Janese et al.* and *Paolo et al.* discloses the biopsy material holding device recited in the rejected claims except for features that were considered within the skill of the art or disclosed by the secondary reference to *Fukuda et al.*

In response, Applicants have amended claim 1 to better define the invention. Specifically, claim 1, as amended, clearly states that the pre-stress angle arranged at the proximate end of the wire 3. Such angle at the proximal end of the wire causes the wire including its distal end (the wire tip) to glide along one inner wall of the biopsy cannula when inserted into the biopsy cannula.

The prior amendment to claim 1 stating that "the tip of the wire exerting a radial outward directed force on the inner wall of the biopsy cannula" has been deleted as misleading. Rather, the pre-stress angle at the proximal end of the wire causes the

wire to abut the inner wall of the biopsy cannula almost on its entire length.

The arrangement of the pre-stress angle at the proximal end of the wire is apparent throughout Applicants' disclosure. See for example, FIGS. 1a, 1b, 4 and 5. According to the embodiment depicted in FIG. 1a, the pre-stress angle is arranged immediately at the transition from shaft 1 to wire 3. According to the embodiment of FIG. 1b, the pre-stress angle is arranged at the transition from handle 22 to wire 3.

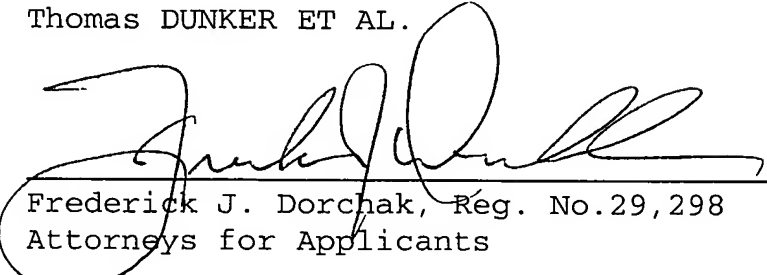
It is respectfully submitted that none of the cited references discloses or suggests a biopsy material holding device including a wire that has an angle at the transition from either a handle or a shaft to the wire, so that the wire has the pre-stress angle arranged at the proximate end of the wire causing the wire including the wire tip to glide along the inner wall of the biopsy cannula when inserted into the biopsy cannula. Accordingly, it is respectfully submitted that claim 1, as amended, is patentable over the cited references together with claims 2-10, which depend directly or indirectly thereon.

In summary, claims 1-4 and 6-10 have been amended. In view of the foregoing, withdrawal of the final rejection and allowance of this application are respectfully requested.

Respectfully submitted,

Thomas DUNKER ET AL.

COLLARD & ROE, P.C.  
1077 Northern Boulevard  
Roslyn, New York 11576  
(516) 365-9802  
FJD:djp

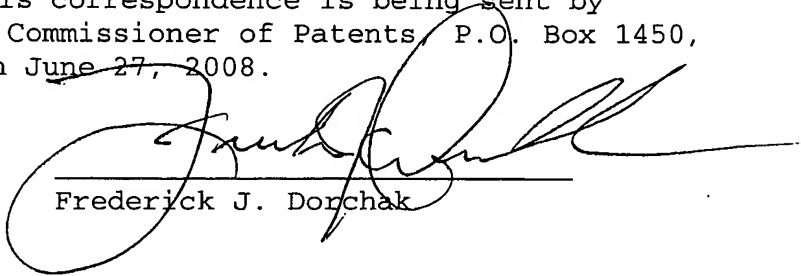


Frederick J. Dorchak, Reg. No. 29,298  
Attorneys for Applicants

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Frederick J. Dorchak